

RECEIPT NUMBER

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

D'Quinn N. Young and  
Derrick N. Young

Plaintiffs,

-vs-

JUDGE : Rosen, Gerald E.  
DECK : S. Division Civil Deck  
DATE : 02/07/2005 e 14:50:21  
CASE NUMBER : 2:05CV70487  
CMP YOUNG ET AL V. CITY OF DET  
(DA)

City of Detroit,  
a municipal corporation, and ~~Minneapolis Police Officers in Name~~  
City of Detroit Police Officers,  
Barbara Simon and John Doe 1, John Doe 2,  
Individually, and in their official capacities,

Jointly and Severally,

Defendants.

PAUL M. HUGHES, P 36421  
Attorney for Plaintiffs  
65 Cadillac Square, Suite 2915  
Detroit, MI 48226  
(313) 964-6465

50  
FEB 7 2005  
PCL  
10:01

COMPLAINT and JURY DEMAND

COMMON ALLEGATIONS

NOW COME Plaintiffs D'Quinn Young and Derrick Young, by and through their attorney, Paul M. Hughes, and for their complaint state as follows:

1. Plaintiffs, D'Quinn Young and Derrick Young, are residents of the City of Detroit, State of Michigan who bring this matter pursuant to 42 USC §1983 for violation of their constitutional rights by the Defendants.

2. Defendant City of Detroit is a municipal corporation located in the County of Wayne which operates among other things, a police department in the City of Detroit, State of Michigan.

3. Defendants Barbara Simon and John Does at all times relevant to this complaint were agents and/or employees of the Defendant City of Detroit.

4. At all times relevant herein, all individually named Defendants were acting within the scope of their employment, under their authority as police officers and under color of law.

5. The Civil Rights Act, 42 USC §1983, provides for civil liability for the deprivation of any right, privilege or immunity secured by the Constitution and laws of the United States, while committed under color of law.

6. Defendants are civilly liable to Plaintiffs pursuant to 42 USC §1983, because all the actions described in this complaint were deliberate, grossly negligent, reckless, wilful, wanton, malicious and/or intentional acts and/or omissions of Defendants, were committed under the color of law and pursuant to the customs, policies and/or practices of Defendant City of Detroit, all of which subjected Plaintiffs to deprivation of their rights, privileges and immunities secured by the United States Constitution.

7. As a direct and proximate result of the wrongful conduct and Constitutional violations by the Defendants, Plaintiffs suffered serious and permanent injuries to their body and mind, mental anguish, pain and suffering, loss of wages, loss of enjoyment of

life, humiliations, degradation and emotional injuries, all past, present and future.

8. Defendant City of Detroit and its supervisory personnel are liable for their intentional, deliberately indifferent, wilful, wanton, reckless and/or grossly negligent acts and/or omissions, which constituted customs, policies and/or practices, which resulted in the unlawful, unjustified, wrongful and unconstitutional seizure of each Plaintiffs' liberty, person and health, without due process of law, all of which proximately resulted in their injuries.

9. Defendant City of Detroit is liable under federal law for all injuries proximately caused by:

A. Intentional, willful and wanton, reckless, deliberately indifferent, grossly negligent and/or negligent acts and/or omissions committed pursuant to customs, policies, usage and/or practices which deprive citizens of their rights, privileges and/or immunities secured by the Constitutions and laws of the United States and/or of the State of Michigan, including but not limited to:

- I. Defendant's directions, policies, practices and/or customs from which the employees' and/or agents' acts or omissions were foreseeable;
- ii. conduct by such employees and/or agents in which Defendant acquiesced, explicitly or implicitly;
- iii. conduct which resulted from the failure to train or oversee the training of such employees and/or agents;
- iv. conduct of such employees and/or agents which supervisory personnel could foresee because the previous behavior of such employees and/or agents created the

potential for such acts or omissions and which were not corrected; and/or

- v. acts of such employees and/or agents which were caused by or permitted in violation of a statutory duty.

10. The events out of which this cause of action arose occurred on February 8, 2002, in the City of Detroit, State of Michigan.

11. The factual predicate of the individual Defendants' liability is as follows:

- a. the on February 8, 2002, Plaintiffs were arrested in the City of Detroit without a warrant in connection with the murder of Emmitt Harvey, Detroit Police Homicide File number 98-229.
- b. that the Plaintiffs were held until February 13, 2002 before they were taken before a magistrate at which time they were arraigned and then remanded to the Wayne County Jail.
- c. that the Plaintiffs had their preliminary exam at the 36<sup>th</sup> District Court which continued over a period of months and on August 2, 2002, the examining magistrate found there was insufficient evidence to constitute probable cause to believe the Plaintiffs had committed any crime and their case was dismissed.
- d. that the basis of the information for the issuance of the warrant against the Plaintiffs was from unreliable sources and generated in part out of a personal vendetta on the part of some of the alleged witnesses father against one of the Plaintiffs.
- e. that material statements contained in the warrant request used to obtain the warrant and to effect the arrest of the Plaintiffs was false and or were made with a reckless disregard for the truth.
- f. that the criminal prosecution brought against the Plaintiffs was brought out of malice and not for the purposes of pursuing justice.

g. that material statements contained in the warrant request used to obtain the warrant and to effect the arrest of the Plaintiffs could have been determined as being false had they not been accepted by the officers in question with a reckless disregard for the truth.

COUNT I

VIOLATION OF RIGHT TO PROMPT ARRAIGNMENT  
INDIVIDUAL POLICE OFFICER DEFENDANTS

Plaintiffs hereby reallege and incorporate by reference all of the paragraphs and counts above as if fully set forth herein word for word.

12. The Plaintiffs were arrested without a warrant on February 8, 2002 and without justification for any delay, were not taken before a magistrate until February 13, 2002.

13. That said conduct violated their right to a prompt arraignment and speedy trial.

WHEREFORE, Plaintiffs seek Judgment against Defendants, in whatever amount to which they are entitled which is reasonable, fair and just, plus costs, interest and attorney's fees, together with exemplary and/or punitive damages.

COUNT II

FALSE ARREST AND FALSE IMPRISONMENT  
INDIVIDUAL POLICE OFFICER DEFENDANTS

Plaintiffs hereby reallege and incorporate by reference all of the paragraphs and counts above as if fully set forth herein word for word.

14. Defendant individual Police Officers, while at all times relevant herein acting within the scope of their employment for Defendant City of Detroit and under color of law as police officers, intentionally compelled the Plaintiffs to be

unlawfully restrained, under pretense that they had violated the law; said acts constituting false arrest and false imprisonment.

15. In making said false arrest and false imprisonment, Defendants caused the Plaintiffs to be incarcerated for a period of nearly 6 months in the Wayne County Jail.

16. That the information used to support the warrant under which the Plaintiffs was arrested was based on false information, that the police officers obtaining the warrant knew or should have known was false, but was put forth anyway either intentionally or with a reckless disregard for the truth.

17. That the Defendant police officers, while acting within the scope of their employment, knowingly and intentionally falsely arrested and imprisoned Plaintiffs without probable cause to believe that Plaintiffs had violated the law and knowing that the information obtained to get a warrant was from unreliable sources.

WHEREFORE, Plaintiffs seek Judgment against Defendants, in whatever amount to which they are entitled which is reasonable, fair and just, plus costs, interest and attorney's fees, together with exemplary and/or punitive damages.

COUNT III  
MALICIOUS PROSECUTION  
INDIVIDUAL POLICE OFFICER DEFENDANTS

Plaintiffs hereby reallege and incorporate by reference all of the paragraphs and counts above as if fully set forth herein word for word.

18. At all times relevant herein, Defendant individual police officers instituted criminal proceedings against the Plaintiffs.

19. There was no probable cause existing to institute the proceedings.

20. The criminal prosecution ended in favor of the Plaintiffs when the 36<sup>th</sup> District Court magistrate ruled there was insufficient evidence to establish probable cause that the Plaintiffs had committed a crime.

21. The criminal charges brought against the Plaintiffs were made with malicious motive.

WHEREFORE, Plaintiffs seek Judgment against Defendants, in whatever amount to which they are entitled which is reasonable, fair and just, plus costs, interest and attorney's fees, together with exemplary and/or punitive damages.

COUNT IV  
42 USC §1983  
MUNICIPAL/SUPERVISORY LIABILITY

Plaintiffs hereby reallege and incorporate by reference all of the paragraphs and counts above as if fully set forth herein word for word.

22. At all times relevant herein, Defendant City of Detroit, acting through its supervisory officers and officials, by their own customs, policies and/or practices, maintained a policy that allowed for the arrest of individuals on less than probable cause, allowed for detention of individuals arrested without warrants beyond the time necessary to obtain a warrant as a

regular matter of course and maintained and/or enforced, a policy, custom or practice of seeking warrants based on less than probable in violation of the United States Constitution, Amendments IV and XIV.

23. At all times relevant herein, Defendant City of Detroit, acting through its supervisory officers and officials, by their own customs, policies and/or practices of systematically failing to properly train, evaluate, supervise, investigate, review and/or discipline its police officers, allowed, acquiesced in, and/or encouraged the individual police officer Defendants to function as police officers and to unlawfully institute process to confront, falsely arrest and imprison, and otherwise violate Constitutional rights, thereby directly and proximately depriving Plaintiffs of their right to be free from false arrest, false imprisonment and other unreasonable intrusions against their person without due process of law, in violation of the United States Constitution, Amendments IV and XIV.

24. At all times relevant herein, Defendant City of Detroit by its directions, policies, procedures, practices and/or customs, from which the intentional, willful and wanton, reckless, deliberately indifferent, grossly negligent and/or negligent acts and or omissions of the individual officers, who were under its supervision were foreseeable, allowed, acquiesced in and/or encouraged said officers to function as police

officers and to unconstitutionally arrest and falsely imprison citizens including Plaintiffs thereby proximately causing Plaintiffs to be deprived of their liberty, and their freedom from unreasonable intrusions against their person and their right to be free from false arrest, false imprisonment and other unreasonable intrusions against their person without due process of law, in violation of the United States Constitution, Amendments IV and XIV.

25. At all times relevant herein, Defendant City of Detroit by its failure to train, supervise, discipline and/or correct the behavior of the employees and/or agents under its supervision, including but not limited to the individual officers, of which said Defendant City of Detroit knew or should have known, created the potential for the intentional, willful and wanton, reckless, deliberately indifferent, grossly negligent and/or negligent acts and or omissions of said officers, allowed, acquiesced in and/or encouraged said individual Defendants to function as police officers and to unlawfully confront, falsely arrest and falsely imprison citizens including Plaintiffs thereby proximately causing Plaintiffs to be deprived of their liberty and of their right to be free from unreasonable intrusions against their person without due process of law, in violation of the United States Constitution, Amendments IV and XIV.

Respectfully submitted,

LAW OFFICES OF PAUL M. HUGHES



Paul M. Hughes, P 36421  
Attorney for Plaintiffs  
65 Cadillac Square, Suite 2915  
Detroit, MI 48226  
(313) 964-6465

Dated: February 7, 2005

**JURY DEMAND**

NOW COME Plaintiffs D'Quinn Young and Derrick Young, by and through their attorney, Paul M. Hughes, who hereby demand a jury trial as to all counts alleged herein.

Respectfully submitted,

LAW OFFICES OF PAUL M. HUGHES



Paul M. Hughes, P 36421  
Attorney for Plaintiffs  
65 Cadillac Square, Suite 2915  
Detroit, MI 48226  
(313) 964-6465

Date: February 7, 2005

ORIGINAL

QJS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

D'Quinn v. Young et al

## (b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

WAYNE  
OC 163

## DEFENDANTS

City of Detroit, et al

## (c) Attorney's (Firm Name, Address, and Telephone Number)

PAUL M. HUGHES, 13412  
85 OAKLINE ST., STE. 2915  
DETROIT, MI 48226 (313) 964-6465

## County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

## Attorneys (If Known)

GORDON DE ROSEN  
70487

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 2 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                              |   |                              |                                       |                              |
|---|---------------------------------------|------------------------------|---|------------------------------|---------------------------------------|------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> DEF | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> PTF | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> DEF |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2   | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5   | <input type="checkbox"/> 5            |                              |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3   | Foreign Nation  | <input type="checkbox"/> 6   | <input type="checkbox"/> 6            |                              |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug Med. Malpractice	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(p))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare			<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights			

## V. ORIGIN

(Place an "X" in One Box Only)

 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

FALSE MODEST MALICIOUS PROSECUTION

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS Undetermined

CHECK YES only if demanded in Complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2/7/05

SIGNATURE OF ATTORNEY OF RECORD

John D. Flynn P36427

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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